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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,401	02/27/2001	William J. Swanson	S697.12-0027	1164
164	7590	01/08/2004		
KINNEY & LANGE, P.A. THE KINNEY & LANGE BUILDING 312 SOUTH THIRD STREET MINNEAPOLIS, MN 55415-1002			EXAMINER DAVIS, ROBERT B	
			ART UNIT 1722	PAPER NUMBER

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/804,401	SWANSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Robert B. Davis	1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 and 37-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-16 and 37-42 is/are rejected.
- 7) ☐ Claim(s) 4 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6/1/1, 2/22</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Election/Restrictions*

1. The examiner has withdrawn the restriction between I and V. Claims 1-17 and 37-42 are examined herein.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 37-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson (6,095,323: figures 1, 3, 5; column 3, lines 42-56; column 4, lines 58-65; column 5, lines 23-25; and column 6, lines 19-36).

Ferguson teaches a method of loading a filament cassette having a top region (20) that is sonically welded to a housing (16), the reel (43) having synthetic sutures (column 3, lines 18-27) is inherently loaded into the housing before welding, a desiccant (58) is loaded into the reel, and the housing having the reel therein is dried in a drier (oven) under vacuum (column 6, lines 19-28). The reference to the cassette of claim 1 is intended usage as the claim does not state providing the parts of the cassette except for the spool and chamber.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3, 5-15 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson taken together with Lantsman (6,027,068: figures 1, 2, 6, 9, 10; column 3, lines 35-49 and column 4, lines 23-34).

Ferguson discloses a dried chamber (18) having a rotatable spool (43), a filament path (22), an exit orifice (28a, 28b) that forms an air lock. The reference does not disclose the means for advancing the filament within the chamber.

Lantsman discloses a cassette with advancing means (64, 80) for feeding a filament from a spool to a filament exit and a view window (82).

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It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the apparatus of Ferguson by using the advancing means of Lantsman for the purpose of accurately dispensing a desired amount of filament from the cassette.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson taken together with Lantsman as applied to claims 1-3 and 5-15 above, and further in view of Dahlin et al (6,022,207: figures 7 and 7A).

The combination of Ferguson and Lantsman disclose all claimed features except for the use of a readable and writable device on the cassette.

Dahlin et al disclose a chip (188) mounted to a reel (42) for storing information about the filament.

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the apparatus of Ferguson by using a chip mounted on a reel as disclosed by Dahlin et al for the purpose of keeping up to date records of the type of material and the amount of material on the cassette.

#### ***Allowable Subject Matter***

7. Claims 4 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: In regards to claim 4, none of the prior art teaches or suggests a filament cassette for supplying filament wherein the follower roller has a floating axis of rotation

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in a direction perpendicular to the filament path, allowing the follower roller to move away from the filament path in the absence of an external applied force. Lantsman (6027068) discloses a cassette with advancing means (64, 80) for feeding a filament from a spool to a filament exit, but the reference does not disclose or suggest the floating following roller as claimed. In regards to claim 17, none of the prior art teaches or discloses a registration means for mating with a modeling machine so as to align the exit orifice with a filament conduit of the modeling machine as each of Ferguson and Lantsman are hand-held devices.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The remaining references show various filament feeding devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Davis whose telephone number is 571-272-1129. The examiner can normally be reached on Monday-Friday 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-0987.

Robert B. Davis



**ROBERT DAVIS**  
PRIMARY EXAMINER  
GROUP 1300 1700

12/29/03